

# MEMORANDUM

Agenda Item No. 7(A)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 8, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance relating to zoning;  
amending section 33-284.99.42  
of the Code of Miami-Dade  
County; prohibiting new  
junkyard or scrap metal uses in  
the Model City Urban Center  
District

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** April 8, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

**Subject:** Ordinance relating to zoning; amending section 33-284.99.42 of the code of Miami-Dade county; prohibiting new junkyard or scrap metal uses in the Model City Urban Center District

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This proposed ordinance amends Section 33-284.99.42 of the Code prohibiting new junkyard or scrap metal uses in the Model City Urban Center District. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor

Fis4714



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 8, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(A)  
4-8-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ZONING; AMENDING  
SECTION 33-284.99.42 OF THE CODE OF MIAMI-DADE  
COUNTY; PROHIBITING NEW JUNKYARD OR SCRAP  
METAL USES IN THE MODEL CITY URBAN CENTER  
DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN  
THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-284.99.42 of the Code of Miami-Dade County, Florida, is  
hereby amended to read as follows:<sup>1</sup>

**Sec. 284.99.42 Uses**

Except as provided herein, all permitted, conditionally permitted, and temporary  
uses within the MCUCD shall comply with Section 33-284.83 of this code.

\* \* \*

>>D. Prohibited Uses. Notwithstanding the provisions of 33-284.83(A)(6), 33-  
13, 33-15, or any other provisions of this code to the contrary, no junkyard  
or scrap metal use shall be permitted in the Model City Urban Center  
District as a new unusual use or special exception. Nothing contained in  
this article shall be deemed or construed to prohibit a continuation of a  
legal nonconforming junkyard or scrap metal use in the Model City Urban  
Center District that either: (1) was existing as of the date of the district  
boundary change on the property to Model City Urban Center District; or  
(2) on or before January 1, 2014, had received final site plan approval  
through a public hearing pursuant to this chapter or through administrative  
site plan review or had a valid building permit. However, any structure,  
use, or occupancy in the Model City Urban Center District that is

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or  
>>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and  
remain unchanged.

discontinued for a period of at least six months, or is superseded by a lawful use permitted under this chapter, or that incurs damage to an extent of 50 percent or more of its market value, shall be subject to Section 33-284.89.2 of this Code.<<

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Lauren E. Morse

Prime Sponsor: Commissioner Audrey M. Edmonson